

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

CLERK USDC EDWI
FILED

UNITED STATES OF AMERICA,

2022 DEC -6 P 3:18

Plaintiff,

Case No. 22-CR-

v.

[21 U.S.C. §§ 841(a)(1),
841(b)(1)(A), & 846; 18 U.S.C. §§ 3
& 922(g)(1)]

22-CR-249

MARIANNA K. J. ZIMMER and
YANNELLE DIAZ,

Green Bay Division

Defendants.

INDICTMENT

COUNT ONE

(Conspiracy to distribute and
possess with the intent to distribute fentanyl)

THE GRAND JURY CHARGES THAT:

1. Beginning in approximately April 2022 and continuing until on or about August 17, 2022, in the State and Eastern District of Wisconsin and elsewhere,

MARIANNA K.J. ZIMMER

knowingly and intentionally conspired with persons known and unknown to the grand jury to distribute and possess with intent to distribute a controlled substance, in violation of Title 21, United States Code, Section 841(a)(1).

2. The quantity of drugs involved in the conspiracy attributable to the defendant as a result of her own conduct, and the conduct of other conspirators

reasonably foreseeable to the defendant, involved 400 grams and more of a mixture and substance containing N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide, commonly referred to as fentanyl, a Schedule II controlled substance.

All in violation of Title 21, United States Code, Sections 846 and 841(b)(1)(A)(vi).

COUNT TWO
(Possession of fentanyl with the intent to distribute)

THE GRAND JURY FURTHER CHARGES THAT:

Between approximately August 15, 2022, and August 17, 2022, in the State and Eastern District of Wisconsin,

MARIANNA K.J. ZIMMER

knowingly and intentionally possessed with the intent to distribute 400 grams and more of a mixture and substance containing N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl]propanamide, commonly referred to as fentanyl, a Schedule II controlled substance.

In violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(A)(vi).

COUNT THREE

(Possession of a firearm and ammunition by a convicted felon)

THE GRAND JURY FURTHER CHARGES THAT:

1. Between approximately August 15, 2022, and August 17, 2022, in the State and Eastern District of Wisconsin,

MARIANNA K.J. ZIMMER,

knowing that she previously had been convicted of a crime punishable by imprisonment for a term exceeding one year, knowingly possessed a firearm and ammunition which, prior to her possession, had been transported in interstate commerce, the possession of which was therefore in and affecting commerce.

2. The firearm and ammunition are more fully described as a Springfield Armory .45-caliber pistol, bearing serial number S3196330, loaded with three rounds of .45-caliber ammunition.

All in violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(8).

COUNT FOUR
(Accessory after the fact)

THE GRAND JURY FURTHER CHARGES THAT:

1. Between approximately August 16, 2022, and August 17, 2022, in the State and Eastern District of Wisconsin,

YANNELLE DIAZ,

knowing that Marianna K.J. Zimmer had committed the crimes of distribution and possession with intent to distribute a controlled substance, in violation of Title 21, United States Code, Section 841(a)(1), did assist Zimmer with the intent to obstruct and prevent Zimmer from being arrested, prosecuted, and punished.

2. Namely, at Zimmer's direction, Diaz knowingly: (a) transported and concealed drugs and drug proceeds, including approximately \$27,200; and (b) deleted drug-related messages and postings from Zimmer's Facebook accounts.

All in violation of Title 18, United States Code, Section 3, and Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(A)(vi).

NOTICE OF FORFEITURE

1. Upon conviction of the controlled substance offenses set forth in Counts One and Two of this indictment, the defendants shall forfeit to the United States, pursuant to 21 U.S.C. § 853, any property constituting, or derived from, proceeds obtained, directly or indirectly, as a result of the violations and any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of the violations, including but not limited to a sum of money representing the proceeds obtained as a result of the offenses.

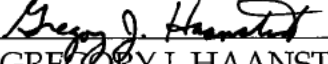
2. Upon conviction of the offense in violation of 18 U.S.C. § 922(g)(1) set forth in Count Three of this indictment, the defendant shall forfeit to the United States pursuant to 18 U.S.C. § 924(d) and 28 U.S.C. § 2461(c), any firearms and ammunition involved in the offense, including but not limited to: a Springfield Armory .45-caliber pistol, bearing serial number S3196330, loaded with three rounds of .45-caliber ammunition.

3. If any of the property described above, as a result of any act or omission by a defendant: cannot be located upon the exercise of due diligence; has been transferred or sold to, or deposited with, a third person; has been placed beyond the jurisdiction of the Court; has been substantially diminished in value; or has been commingled with other property which cannot be subdivided without difficulty, the United States of America shall be entitled to forfeiture of substitute property, pursuant to 21 U.S.C. § 853(p).

A TRUE BILL:

FOREPERSON

Dated: December 6, 2022



GREGORY J. HAANSTAD
United States Attorney